

DECLARATION OF MICHAEL R. BROWN ISO MOTION FOR FINAL APPROVAL AND ATTORNEY'S FEES

14-CV-01024- BAS-MSB

**EXHIBIT A**

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

**March 2014**

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19	Communications with DJV re possible Nationstar case, retention of client and basic facts, communications with client, review client documents	1.5
20	Further investigation and discussions with DJV and review of documents, questions to DJV, review documents from client	.8
21	Further discussions with DJV, work on fee agreement, discuss allocation of case, review emails DJV-client	1.0
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**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**APRIL 2014**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Discuss with DJV, review and discuss letters and documents from client, DJV email to client re case	.6
2	Commence research and drafting of Complaint with DJV	1.8
3	Continue prep complaint	1.7
4	Work on complaint, discuss with DJV	1.5
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7	Finalize retainer agreement, discuss with DJV	.5
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9		
10	Review draft complaint from DJV and make revisions	2.2
11	Review client comments re factual assertions in complaint, discuss with DJV re revisions	.5
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15	Continue revisions to complaint	1.5
16	Discussions with DJV re revisions to complaint and theories	.3
17	Finalize revisions to complaint and send to DJV	2.5
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21	Research regarding Nationstar on internet re OALs, information provided to borrowers, form 1098 disclosures	3.8
22	Discussions with DJV re relating case to Horn and filing with Judge Curiel, research on relation issue, review final draft of complaint and approval of same for filing	3.5
23	Review information re Judge Anello assigned to case, inquiry with colleagues	1.0
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30	Discuss service on Nationstar	.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

**May 2014**

DATE	DESCRIPTION	TIME
1	Research re reporting requirements and Form 1098 issues re Freddie Mac	2.6
2	Discuss service issues with DJV	.2
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12	Correct court appearance record in USDC	.4
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14	Discuss Nationstar's defense retention and lawyers with DJV, research re same	.6
15	Review Nationstar joint motion for filing and approve same	.3
16	Receive Order transferring case to Judge Bashant, review and research same, discussion with DJV re same, lengthy call with EK, (Nationstar counsel) re case, issues, representation and court dates	2.6
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29	T/C EK re his request for additional time	.2
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**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**JUNE 2014**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1		
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3	Discuss with DJ CEK request for additional time, communicate position to EK and reasons,	.4
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6	Receive and read Nationstar's MTD briefing and documents, discuss with DJV	2.7
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13	Receive and read Nationstar's Notice of Financial Interest, research re same	.2
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18	Discuss with DJV draft of response to MTD and seeking additional pages for response to MTD	1.7
19	Review Opposition to MTD, read cases cited therein and prepare comments to DJV	5.5
20	Communications with EK re page extension on briefs, stipulation, discuss with DJV	.8
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24		
25	Discuss with DJV page extension and no signature yet from EK on stipulation, whether Ex Parte needed	.2
26		
27	Communication with EK and authority to sign/file stipulation, file same	.4
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

July 2014

DATE	DESCRIPTION	TIME
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10	Finalize opposition to MTD and all filings for July 14 filing	3.7
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21	Receive Reply to Opposition to MTD by Nationstar, read same	2.4
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

September 2014

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25	Communication to EK regarding mediation discussion	.3
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29	Outline positions and issues for Rule 26 cf call	1.2
30	Conduct Rule 26 cf call with counsel (1.5) , work on Plaintiffs' sections to be revised (1.0)	2.5
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

**October 2014**

DATE	DESCRIPTION	TIME
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9	Status call with DJV and discuss discovery outline	.3
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15	Discussion with EK re mediation possibility	.4
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30	Follow up call with EK re mediation	.4
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

January 2015

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15	Communications with DJV re pending motion, contact court re status	.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

**February 2015**

DATE	DESCRIPTION	TIME
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5	Receive and read Order on MTD and Stay Proceedings, discussion with DJV	1.7
6	Begin research and reading the many cases and statutes cited by the Court in its opinion	5.5
7	Continued research on Court's order, research on ordered stay and possibility of writ	4.8
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10	Research on approaching IRS to act on prior referral, research what steps if any can be done to move the matter towards IRS action	3.5
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

**March 2015**

DATE	DESCRIPTION	TIME
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4	Communication with mediator re settlement progress	.6
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

April 2015

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26	Discussions with DJV re further communications with IRS on pending 1098 issue, review additional cases	2.5
27	Review final correspondence to IRS re 1098 issue	1.0
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**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**July 2015**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Review draft of report to the Court, make revisions, discuss with DJV	2.2
2	Further review of report and approve filing of same	1.3
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8	Discussion with DJV and communication with client	.4
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21	Receive and read Nationstar's Response to OSC, start review of authorities cited therein	2.5
22	Receive and read Notice of Appearance re new counsel for Nationstar, research background, discuss with DJV	.8
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

September 2015

DATE	DESCRIPTION	TIME
1		
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4	Review filings to be made in Ninth Circuit on Smith as it affects Pemberton	1.2
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9	Receive and read Nationstar's Response to OSC Supplemental authority	.8
10	Discuss with DJV and RN additional authority re OSC	1.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

February 2016

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17	Receive and read Nationstar's Response to Report to Court	1.0
18	Discuss with DJV response, review draft	1.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

August 2016

DATE	DESCRIPTION	TIME
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2	Finalize and approve Second Report to the Court	1.5
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12	Receive and Read Order re scheduled hearing and instructions for hearing, discuss with DJV	1.0
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17	Further research to see what can be done to get IRS to act on referral	1.5
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23	Receive and read Order continuing hearing	.1
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26	Receive draft settlement proposal from DJV, make revisions	.7
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

September 2016

DATE	DESCRIPTION	TIME
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6	Receive and read response to Status Report by Nationstar, discuss with DJV	.8
7	Prepare for 9/8 Court hearing	2.5
8	Travel to San Diego, attend hearing re stay and various issues, discussion with counsel at court, receive and read minute entry for proceedings	6.5
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30	Draft settlement proposal to Nationstar, discuss with DJV	2.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

October 2016

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26	Follow up with Mr. Kemp re settlement discussions	.2
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31	Discuss IRS actions with DJV and report to Court	.5

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

November 2016

DATE	DESCRIPTION	TIME
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3	Finalize report to the Court with DJV, DJV file	.4
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7	Discuss IRS strategy with DJV as he prepares letter	.2
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15	Follow up with Kemp re settlement discussion	.1
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18	Follow up with Kemp re no response, receive response and discuss with DJV	.4
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22	Review DJV letter to IRS and revise	.5
23	Receive and read Order on standing and MTD, TC/DJV re same, outline approach	1.6
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

December 2016

DATE	DESCRIPTION	TIME
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6	Receive and read response to Status Report by Nationstar, discuss with DJV	.8
7	Prepare for 9/8 Court hearing	2.5
8	Travel to San Diego, attend hearing re stay and various issues, discussion with counsel at court, receive and read minute entry for proceedings	6.5
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30	Draft settlement proposal to Nationstar, discuss with DJV, receive DJV changes, send to Kemp	2.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

January 2017

DATE	DESCRIPTION	TIME
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5	Receive and read Order denying request for status conf, discuss with DJV	.5
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**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**March 2017**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1		
2	Receive and read Order to Show Cause, discuss same with DJV and scope of the order and what is required, review pleadings, evaluate proposed amended complaint	2.8
3	Research re brief re OSC, review Neely, Smith, and other pleadings and rulings, research on standing	3.7
4	Discuss response strategy with DJV, communicate with clients re substance of response, call to Kemp	2.5
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7	Communication to Kemp	.1
8	Communication with clients	.3
9		
10	Research the amending of the complaint, discuss with DJV, begin draft response to the OSC	1.0
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14	Communication with Kemp re post discussion thoughts on settlement, also discussion re filing amended complaint by stipulation	.4
15		
16	Respond to Kemp's request for amended complaint, describe amendment for stipulation, prepare and finalize and file response to OSC	1.3
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30	Receive and read Nationstar's response to OSC, discuss with DJV	.7

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

April 2017

DATE	DESCRIPTION	TIME
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4	Communications with client	.8
5	Communications with client	.4
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25	Receive and read Order dismissing case wlta	.1
26	Finalize amended complaint for filing	.3
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

May 2017

DATE	DESCRIPTION	TIME
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12	Receive corr from Kemp, discuss with Kemp basis for request, discuss with DJV, review DJV response to Kemp, corr to Kemp and Grey(Rovai) to discuss what is to be filed in response to OSC and scope, grant extension	2.3
13		
14	Receive corr from Gray also re extension and coordinate call fro Monday	.4
15	Receive stipulation for extension and sign same, tel call with Kemp and Gray re responding to the OSC, discussion with DJV after call re our approach	2.8
16	Receive and read Order granting extension	.1
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22	Receive and read MTD for lack of jurisdiction by Nationstar, begin review of points	2.4
23	Discuss and finalize status report to Court with DJV	.4
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30	Receive draft of Opposition to MTD from DJV and begin review of same	1.8



PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

June 2017

DATE	DESCRIPTION	TIME
1	Provide comments and revisions to opposition to MTD, finalize same	.8
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12	Receive and read Nationstar's response to MTD for lack of jurisdiction	.7
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

October 2017

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20	Receive and read Order denying MTD for LOJ and stay	1.0
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

November 2017

DATE	DESCRIPTION	TIME
1		
2	Discuss status of opposition to Court's MTD and results of DJV research to date, follow up with additional research	2.0
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9	Receive further draft of opposition to the Court's MTD and review and revise same	2.6
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13	Send revisions to DJV for comments and incorporation in opposition to MTD	1.3
14	Discuss revisions with DJV and finalize opposition	.5
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16		
17	Final review of opposition before filing	.5
18	File response to OSC re dismissal	.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

December 2017

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11	Receive and read reply of Nationstar to Court's OSC, discuss with DJV	2.2
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18	Receive draft opposition to MTD, review and comment/revise, read cases	1.8
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20	Discuss response to Nationstar brief with DJV for finalization	.6
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

February 2018

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21	Work on response to Order on MTD	1.6
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

April 2018

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27	Receive and read Order re Oral Argument on OSC, discuss with DJV	.3
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29	Communication with counsel re stip to continue hearings	.2
30	Revise and finalize stips for continuance, send to counsel	.5
31		

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

May 2018

DATE	DESCRIPTION	TIME
1	Receive ok from counsel to file and file stip, receive Order from court	.4
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

June 2018

DATE	DESCRIPTION	TIME
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6	Preparation for hearing on OSC	4.0
7	Travel to SD, hearing on OSC, cf with Kemp after hearing, receive minute entry re same	5.8
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24	Review and revise filing re additional authorities	.6
25		
26	Receive and read lengthy Order on OSC re FAC, discuss with DJV re amending FAC	2.3
27	Communication with client re Order and case status	1.5
28	Continued analysis of lengthy court opinion and research and read cases cited therein	3.5
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

July 2018

DATE	DESCRIPTION	TIME
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2	Communications with client re Order and further proceedings	1.0
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9	Communication with Kemp re case status and settlement	.8
10	Communication with Kemp re settlement and status	.1
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13	Analysis as to filing an amended complaint in light of court order and research what would be pled	4.0
14		
15		
16	Do comparisons of allegations in FAC per court order	.8
17	Further work on SAC, finalize and file	3.3
18	Withdraw filings and ref-file amended documents	1.2
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26	Communications with EK re MTD briefing schedule, discuss strategy with DJV	.6
27	Continue discussions with EK re briefing	.3
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30	Discuss extending filing time for Nationstar	.2
31	Agree to and enter stip for additional time to answer for Nationstar	.2

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

**August 2018**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Receive and read order re extension of time, discuss with DJV and EK	.6
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22	Discuss strategy for propounding discovery to Nationstar with DJV	1.0
23	Receive and red Nationstar answer to SAC	.6
24	Communication with client re case status	.3
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28		
29	Communication with client re case status	.2
30	Receive and read Order re ENE and CMC, corr to Kemp re Rule 26 cf	.5
31	Receive draft responses to Magistrate's questions, discuss with DJV, revise same	1.5

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**September 2018**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Communication with client on various matters, discuss with DJV	1.0
2		
3	Drafting document request to Nationstar	2.2
4	Contact Kemp for Rule 26 cf, reply and arrange call,(.3) receive draft of RFAs from DJV and review and begin revision(1.0)	1.3
5	Communications with Kemp re Rule 26 cf, RFP (.2), continue work on RFAs(3.8), Rule 34 RFP (2.5)	6.5
6	Communication(s) with Kemp and conduct Rule 26 disclosures, serve FRCP 34 RFP, RFAs	3.0
7		
8	Finalize and serve FSInterrogs (1.5), communication with Kemp (.2), communications with clients re status (.4)	2.1
9	Prepare first draft of Proposed Joint Discovery Plan	2.8
10	Receive and read Nationstar's Rule 26 initial disclosure, research re matters identified therein (1.8), strategy conf with DJV and outline Plaintiffs' position for required ENE filing. (2.0)	3.8
11	Finalize and serve Rule 26 disclosure statement, finalize and serve Proposed Joint Discovery Plan, finalize and serve Plaintiffs' Settlement Proposal	3.6
12	Communication to Kemp re Joint discovery conference call, response and arrange call, preparation for call	1.3
13	Further arrangements for conf call, conduct Joint Discovery call, email following call	1.7
14	Follow up to Joint Discovery Plan call, outline language for report to Magistrate and send to counsel, receive corr from counsel, negotiate language, discuss ENE reports	2.2
15	Research Nationstar issues on web re valuation, portfolios, etc.	1.5
16	Review Judge Bashant's order and align with necessary discovery, outline further focus on discovery	4.0
17	Communications with counsel to finish JDP report, arrange call, receive revised document from counsel for call and review, conduct call, finalize JDP and submit to Magistrate Gallo, finalize Plaintiffs' ENE and submit to magistrate Gallo, receive and read Nationstar's ENE, finalize and send Confidential Settlement Brief to Gallo	6.5
18		
19		

## PEMBERTON V. NATIONSTAR

MICHAEL R. BROWN

**RECORDED TIME**

20	Communication to Magistrate Gallo re ENE an attorney call	.2
21	Communications with EK re 30(b)(6) deposition and process	.8
22		
23	Preparation for call with Magistrate Gallo	1.3
24	Attorneys only cf call with Magistrate Gallo, receive and read minute entry	.8
25	Research and begin preparation of Protective Order	1.6
26	Tailor PO to case, revise and finalize Protective Order	4.0
27	Communication with Kemp and send proposed Protective Order requested by Nationstar	
28		
29	Review PO and make modifications per Gallo's Orders	.8
30	Research and decide on initial Nationstar depositions, prepare deposition notice(s) and serve on counsel	3.8
31		

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**October 2018**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Review documents and commence preparation of 30(b)(6) deposition Notice and request for documents	5.5
2	Finalize 30(b)(6) deposition notice and serve on Nationstar	6.5
3	Work on protective order for discovery served	1.7
4		
5	Communication with Kemp re protective order and ENE, general discovery	.2
6	Review Kemp communication and discuss with DJV our position in response to numerous requests made by Kemp, draft lengthy response re request for additional time and discovery issues, finalize protective order	3.7
7		
8	Lengthy call with Kemp and DJV on all issues including discovery, ENE scheduling, scheduling conference, mediation and more topics, draft lengthy summary, discuss with client	4.0
9	Communication with client (.2), discuss settlement with DJV (.5)	.7
10	Further discussions with DJV re Kemp proposed issues and communication with Kemp on status, communications with Kemp re mediation and reach mediation agreement, work on joint motion to continue ENE with Kemp	1.8
11	Communications with Kemp re mediation proposals, scheduling of Magistrate Gallo's matters, and 30(b)(6) depositions and motion to continue matters, review and approve protective order in final form	2.5
12	Communication with client re mediation	.5
13		
14		
15	Receive and read Order from Magistrate re stipulation vacating dates, Order re protective order, communication to Magistrate Gallo	.4
16		
17		
18	Receive proposed mediator from Kemp, research mediator background, discuss with DJV	1.2
19	Communication with Kemp re proposed mediator, further research, discuss with DJV,	.8
20		

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

21		
22	Approve of Judge Sabraw as mediator, communication with Kemp, communication with JAMS, arrange mediation date, grant Nationstar additional discovery time(1.3), prepare for hearing with Magistrate Gallo tomorrow (.8)	2.1
23	Tel call with Magistrate Gallo re scheduling conference (.5) Receive Nationstar's first production of documents via a link and attempt to open and review, begin initial review (3.4), review, comment and finalize joint discovery plan (1.7), discussions with DJV re modifications to served discovery per Nationstar's objections and agree to eliminate some discovery requests, communicate same to Kemp (3.0), communications with client (.2)	8.8
24	Post meet and confer decide what requests to withdraw, communication with EK re revised discovery document requests	2.0
25	Communications with Kemp re withdrawal of certain discovery, extension to respond, work on mediation setup issues, communication from JAMS	1.7
26		
27		
28		
29	Communication with Kemp re extension on discovery	.1
30	Further extension granted conversation Kemp	.3
31	Communications with JAMS re mediation, communications Kemp re discovery	.4

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**November 2018**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1		
2	Communications with JAMS re mediation (.1), Receive Nationstar's Discovery Responses (RFAs, Interrogs, RFP) and begin review (2.7), call with Kemp re depo scheduling (.6)	3.4
3	Further review of discovery responses and review documents	2.8
4	Continued review of discovery responses to incorporate into 30(b)(6) notice and begin draft of 30(b)(6) notice	4.0
5	Finish review of discovery for purposes of 30(b)(6) notice and start draft	3.2
6	Finish draft 30(b)(6) notice and send to DJV to discuss	1.5
7	Discuss 30(b)(6) with DJV, make revisions per discussion, communication with Kemp to pin down dates and locations, narrow areas and written explanation to Kemp re intent of notice	2.0
8	Communications from JAMS and finalize mediation for Nov 30 (.3), communication from Kemp technical problems with production and further production of documents, discuss with Kemp (1.0), review documents (.5)	1.8
9	Communication with Kemp re scheduling 30(b)(6) depo (.5), receive order of transfer to Magistrate Berg, review, research re magistrate (.5), discuss scope of discovery meet and confer with DJV (.7)	1.7
10	Research on amending complaint after review of documents produced and discovery responses, discuss with DJV	3.5
11	Continue evaluation of amending complaint and advising Nationstar prior to mediation	2.0
12	Follow up with Kemp re 30(b)(6), finally get date and location, discuss with Kemp, lengthy communication re deposition and areas to be covered, also meet and confer re production	.8
13	Commence arrangements for 30(b)(6) depo in Colorado, arrange court reporters, travel, document transfers for deposition (1.0), communications with Kemp re deposition, scheduling order (.4), meet and confer re amending complaint (.5)	1.9
14	Receive notice of filing of transcript on MTD 6-7-18, read transcript to decide re amendment and what to include in mediation brief	2.2
15		
16	Receive draft of mediation brief and read, revise and sent to DJV	2.8
17		

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

18		
19	Communication with Kemp to get extension of deadline to file leave to amend granted, work on stipulation with DJV (.6), work on deposition scheduling 30(b)(6) for 11/27 , revise categories and document requests prepare new notice (1.3)	1.9
20	Receive Kemp communication re 30(b)(6) notice concerns, respond to concerns, (.8), work on amending complaint stip with DJV (.2), review Kemp changes to stip (.2), work on mediation brief (1.3)	2.5
21	Receive and read Order granting continuance (.1), communication with JAMS (.1), continue work on mediation brief (2.0)	2.2
22	Begin to identify documents necessary for 30(b)(6) deposition 11/27 (1.8), discuss mediation with DJV (.9)	2.7
23	Work on mediation brief, send revisions to DJV	1.5
24	Continue compilation of exhibits for 30(b)(6) deposition 11/27	4.0
25	Begin preparation outline/questions for 30(b)(6) deposition (7.0), sign off and submit mediation brief to mediator (.3)	7.3
26	Additional submission to mediator, communication to mediator (.3), travel to Denver for 30(b)(6) deposition and continued preparation during travel and into the evening receive electronic production of additional documents from Nationstar night before 30(b)(6) deposition, review same and incorporate into examination (9.5), communication with client (.2)	10.0
27	Conduct 30(b)(6) deposition in Denver, return travel and prepare supplemental mediation brief during travel	14.5
28	Discuss supplemental mediation brief with DJV re new facts learned at at depo, finalize sup brief and deliver to mediator, prepare for mediation, gather exhibits and transcripts to bring (4.6)review Nationstar's sup brief (.5)	5.1
29	Further mediation preparation and outline several possible settlement scenarios, discuss with DJV and with client	3.5
30	Travel to San Jose, attend mediation, Nationstar has no proposal after full day wants more time to prepare	9.5
31		



**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**December 2018**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1		
2		
3	Communication to Kemp re discovery meet and confer and failed mediation, failure to provide privilege log (.4), discuss post-depo discovery strategy with DJV (1.5)	1.9
4	Communication Kemp re meet and confer (.3), call with DJV prep for meet and confer re discovery (.5)	.8
5		
6	Research re cases Kemp suggested in meet and confer support Nationstar's position re responses (3.8), meet and confer with Kemp (1.2)	5.0
7		
8		
9	Communication to Kemp re meet and confer (.1), receive additional production of documents from EK and review (.5)	.6
10	Receive and begin read of Cross deposition transcript, work on stip to extend date to compel	2.7
11	Continue review of Cross transcript, highlight responses need to meet and confer with Kemp, identify areas where documents not produced, outline meet and confer letter	6.5
12		
13	Receive and read DJV draft on motion for leave to file sup complaint, begin revisions to motion argument	2.2
14		
15		
16		
17	Communication with counsel re stip for extending date on discovery dispute filing, also ESL protocol, approve final stip	1.0
18	Continue work on leave to file sup complaint	2.1
19	Receive and read Order on deadlines, denial motion for leave to amend, discuss with DJV and EK, draft MRB declaration for good cause as required by Court, discuss with EK to file joint motion and revise per their input, receive approval and file	3.0
20		
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

23		
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25		
26	Work on motion re supplementing complaint and comments to DJV	2.5
27	Communications with Kemp follow up to meet and confer, outline motion issues (1.8) , strategy discussion with DJV on sup complaint and motion, finalize draft sup complaint (2.2)	4.0
28	Continue work on motion re sup complaint, make final changes (1.5), communication with Kemp on meet and confer issues (.2)	1.7
29	Review of client information to begin identifying and producing responsive documents as requested by Nationstar	3.0
30	Finalize sup complaint	1.5
31	File Motion and Supp Complaint, continue work on client production	1.0

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**January 2019**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1		
2	Communications with Kemp on meet and confer, status and further discussion	.4
3	Communications with client	.5
4	Communications with client	.2
5		
6		
7	Review Cross deposition and discuss with DJV the missing information needed and not produced, communication with Kemp re client response, meet and confer and motion (1.7), begin MTC outline (2.3)	4.0
8	Receive Nationstar's position on requested further responses and further document production; respond and further discussion, (.8) review authorities cited in responses on which Nationstar relies set(2.7) further meet and confer with Kemp (.5), review Cross depo re MTC on RFAs (.7)	4.7
9	Communication with Kemp re good faith efforts to resolve discovery dispute and possibility avoiding motion, however continue to work on motion due to filing deadline	3.5
10	Communication Kemp to draft motion to court to hold off motion filing, also scheduling additional depositions and additional document production, discussion re settlement (.8), communications client (.2), continue work on MTC (3.2)	4.2
11	Communication with client and providing information as requested (.8), communication Kemp re status of responses as promised (.2, receive draft stipulation re discovery extension from Kemp, review, comment (.7), approve final stipulation for filing	1.7
12	Communication with client	.1
13		
14	Receive and read Nationstar response to Motion re sup complaint; discuss with DJV, review authorities cited, research some	2.8
15	Prepare MRB declaration ISO reply to opp to Mtn to Supp Complaint	1.0
16	Receive edits of declaration and make revisions of same,(.8) receive and read Order granting additional time to file Joint Discovery Motion, receive final reply brief to opposition and make minor changes, file same (1.0)	1.8
17		

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

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19	Research on prevailing party under a catalyst theory	3.5
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29	Communication with Kemp re continued failure to produce promised discovery, inquiry re mediation	.3
30	Follow up again re no response and no promised discovery	.1
31	Communication from Kemp in response to inquiry, discovery coming	.2

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

February 2019

DATE	DESCRIPTION	TIME
1		
2		
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4		
5	Inquiry again to Kemp as to where is promised supplemental discovery	.1
6		
7	Communication from Kemp promised service tomorrow (.1), research re expert witness and communications re prospect (.6)	.7
8	Receive Nationstar's Supp responses to RFAs, RFPs and Interrogs, begin review of responses and additional objections, outline still existing deficiencies	3.8
9	Incorporate supplemental responses and outstanding objections into MTC to be filed, work on Joint Statement	4.3
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27	Further review of responses, discuss with DJV, continue preparation of Joint Discovery Motion, communication with Kemp re same	4.0
28		
29		
30		

## PEMBERTON V. NATIONSTAR

MICHAEL R. BROWN

**RECORDED TIME**

24		
25	Communication to Kemp re problems with Nationstar's present servicing of Pemberton loan, the control report production, the Joint Discovery Motion and deposition	1.7
26	Receive Order scheduling a telephonic conference re request for extension re JDM on 3/27, discuss with Kemp, discuss with DJV, call with court to arrange a different date, continued to April 5	1.0
27	Communication re Pemberton servicing problem (.1), work on subject categories for third party deposition of BANA in the case re transfer of loans	1.2
28	Communication with Kemp re Pemberton present loan servicing issue	.2
29		
30		
31		

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**April 2019**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Communication Kemp re status on deposition and control report, begin review of hundreds of pages of control reporting on individual loans	7.0
2		
3	Further analysis of control reports, draft outline for deposition of control reports and loan information, communications with Kemp re categories of exam	6.5,
4	Prepare for discovery call with Magistrate, review all outstanding issues re discovery and scheduling, review case authority on responses	1.8
5	Conference call with Kemp and Magistrate all issues, call with Kemp following hearing, outline plan per agreements made during call	3.7
6		
7		
8		
9	Communication Kemp re Pemberton issues	.2
10	Communication Kemp re awaiting 30(b)(6) depo date	.1
11		
12	Follow up Kemp re deposition dates, response from Kemp (.4), receive and read Nationstar's RFP and Interrogs to clients, communication with client (1.5)	1.9
13		
14		
15	Continue analysis of control report information, analysis vis-a vis other lenders	5.8
16	Finalize and serve 30(b)(6) Notice, send amended notice, communication with Kemp	.6
17	Communication Kemp re additional interrogs to be served, draft additional Interrogs and serve	1.5
18	Communications with mediator re further settlement	.8
19	Receive and read Nationstar's RFAs to plaintiffs, communications with client re same (1.4), continued negotiations with Kemp re deposition dates (.3)	1.7
20	Further research on recovery under catalyst theory in 9 <sup>th</sup> Cir	1.3
21		
22	Communications with Kemp re depo dates and notice	.3

## PEMBERTON V. NATIONSTAR

MICHAEL R. BROWN

**RECORDED TIME**

23	Receive and read Order denying Request to Supplement Complaint, review authorities cited by the Court, discuss with DJV, consideration re settlement, consider appeal issues (3.5), communication Kemp re discovery cutoff extension and depo dates , ok stip for extension (.4)	3.9
24	Work on draft of joint motion from Kemp and revise, discuss depo dates (1.0), review revised draft	1.3
25	Review Joint Discovery Plan served by Nationstar (.3) communication from Kemp no dates yet for Cross depositions and request to take 4/26 noticed depo off calendar (.5), receive draft amended motion from Kemp for review, discussed with DJV and made changes (1.0)	1.8
26	Received additional changes to draft motion from Kemp and review and approve	.3
27		
28		
29	Follow up with Kemp for depo dates	.1
30	Receive dates from Kemp and approve (.1), receive Order granting extension discovery cutoff date and discuss with DJV (.2), review draft of RFA responses by clients and finalize ((.8), communications with client (.4) receive documents from client for production and review (.5)	2.0
31		



**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**May 2019**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Review Plaintiffs' draft response to Interrogs and revise and supplement (2.6), communications w/mediator Sabraw (.6)	3.2
2	Analyze and provide additional information to mediator requested, communications with mediator	.5
3		
3	Work on finalizing Plaintiffs' response to RFP by Nationstar	1.7
5		
6	Communication with EK re status of privilege log by Nationstar	.1
7		
8		
9	Discuss possible proposal by mediator for settlement, discuss with DJV position	.7
10	Strategy discussion with DJV re call to Magistrate	.4
11	Finalize responses to Interrogs (1.0), work on RFA responses (1.5)	2.5
12	Continue work on Plaintiffs' discovery responses	1.8
13	Communication with mediator re proposal	.1
14	Numerous communications with mediator re proposal and delay in receiving, discuss time restraints and upcoming MSC with mediator, receive mediator's proposal late in day, discuss strategy with DJV, speak with client re response to proposal, submit add'l info to mediator (3.0), communication w/EK re 30(b)(6) depo date (.3)	3.3
15	Respond to mediator's proposal	.5
16	Communications w/ EK re extension to Plaintiffs to respond to discovery (.2), review draft of mediation brief for Magistrate Berg (1.0)	1.2
17	Mediator's proposal not accepted by the parties, strategy discussion with DJV re mediation before Magistrate Berg and review and finalize draft of mediation brief	1.3
18		
19	Discussion with mediator (.2), discussion with DJV re mediator's input and analysis (.3)	.5
20	Communications with client re settlement and mediation (.4) communications with EK re excusing client from mediation (.2)	.6
21		
22	Finalize motion to excuse clients, declaration of MRB, file same	.8
23	Receive Order excusing Plaintiffs' appearance, Strategy discussion with clients and DJV re mediation tomorrow	2.0
24	Travel to San Diego, attend mediation, telephone discussions with client, settle case, met with EK after settlement, document settlement	10.0

## PEMBERTON V. NATIONSTAR

MICHAEL R. BROWN

**RECORDED TIME**

25	Communications with client re settlement	.4
26		
27		
28	Review Minute Entry confirming settlement, discussions with EK re settlement documents and preparation, including settlement agreement, class notice, claim forms and retention of Claims Administrator	.8
29	Review Order confirming settlement, compile exemplars for EK in drafting documents, discuss implementation of settlement with DJV	.5
30	Communications with EK re settlement document preparation	.2
31		

PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

June 2019

DATE	DESCRIPTION	TIME
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11	Communications with Kemp, locate and send exemplars for MFA and class notice	.5
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18	Communications with client	.2
19	Communications with client	.4
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25		
26	Inquiry to Kemp re status of settlement documents, receive drafts not yet approved by Nationstar, (Settlement Agreement and Class Notice) begin review of drafts	1.6
27	Continued review of drafts and begin revisions	1.5
28		
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31		

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

July 2019

DATE	DESCRIPTION	TIME
1		
2	Review and comment/modify first draft of Proposed Preliminary Approval Order, Proposed Final Order, Settlement Agreement, Class Notice and Claim Form from Kemp and Vendler	3.5
3	Communication to Kemp on all revisions and open questions on documents, redlined and revised copies	1.8
4		
5	Discuss revisions with DJV and outline further items needed by Nationstar	.5
6	Continue work on Proposed MPA, PAO, PFO, Settlement Agreement, Class Noticed and Claim Form	5.5
7	Finalize revisions and return to Kemp with comments for settlement agreement, response on notice and claim forms	1.2
8	Communications with Kemp re numbers needed for final approval, provide documents for his use re MPA	.5
9		
10		
11	Communications with Kemp, locate and send exemplars for MFA and class notice	.5
12	Receive and read draft 1 of MPA prepared by Kemp (1.0), discuss with DJV changes and modifications needed (.5)	1.5
13		
14	Further revisions to MPA	2.0
15		
16	Further discussions with DJV re needed changes, propose certain modifications to documents	.8
17	Communication with Kemp re loan numbers needed for motion, analyze information from discovery for motion analysis for value	1.0
18	Discuss with EK information needed for MPA, discuss with DJV information and declarations needed	1.7
19	Communications with Kemp to understand loan numbers for incorporation into motion	.4
20		
21		

## PEMBERTON V. NATIONSTAR

MICHAEL R. BROWN

**RECORDED TIME**

22	Numerous communications with Kemp re status of settlement agreement and upcoming filing deadline (1.0), review DJV draft decl and begin MRB decl preparation (1.5)	2.5
23	Discuss joint motion to extend filing date with Kemp, receive draft motion and revise/approve for filing	1.0
24	Receive Order motion granted, discuss what needs to be done to meet new deadline, communications Kemp	1.5
25		
26		
27		
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29		
30	Further inquiry to Kemp as to settlement agreement signed, receive further modifications to MPA from Kemp and review and comment, receive add'l class statistical info and review for motion use	2.0
31		

**PEMBERTON V. NATIONSTAR**  
**MICHAEL R. BROWN**  
**RECORDED TIME**

**August 2019**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>
1	Receive from Nationstar breakdown of number of loans involved as potential class members, discuss with DJV and highlight to Kemp additional information needed for declarations, analyze numbers in light of settlement terms	1.5
2	Discussions with DJV and Kemp re information and detail needed in the Nationstar declarations	0.6
3		
4		
5	Continued negotiations regarding settlement agreement language (2.2), discussion with Kemp re detail in Nationstar declarations (1.3)	3.5
6	Draft Brown declaration and send to DJV (2.7), communications with client re execution of final settlement agreement (.2), many communications with Kemp to get settlement agreement signed, modifications to the agreement including notice language, claim forms, dates and formatting. (2.0)	4.9
7	Continue work on MPA, discussions with Kemp re Motion to extend time to file MPA and preparation of same, receive and read Pippin declaration to be used in MPA, work on revisions to Nationstar's declarations, discuss with Kemp and DJV, finalize Brown declaration, review and finalize Vndler declaration	5.6
8		
9	Receive and read Order granting additional time to file MPA	
10		
11		
12	Review completed draft of MPA and make minor revisions, collect exhibits and review same, receive Cross declaration from Kemp and review same, contact Kemp for signed settlement agreement as exhibit	1.1
13	Finalize MPA documents for filing, revise declaration	0.7
14	Work on filing issues with the Joint Motion for PA, discuss with DJV, get motion filed	1.2
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

October 2019

DATE	DESCRIPTION	TIME
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9		
10	Receive and read Order granting PA of settlement, discuss with DJV, communications with EK and Claims Admin	1.5
11	Follow up with CA and EK on website, finalized Notice and Claim forms, make minor revisions	1.0
12	Discussions with CA EK re dates in order and in agreement and scheduling deadlines	1.2
13		
14	Review CA's final Claim Form and Class Notice, minor revisions	.8
15	Work with CA to get timely mailing out	.5
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PEMBERTON V. NATIONSTAR  
MICHAEL R. BROWN  
**RECORDED TIME**

November 2019

DATE	DESCRIPTION	TIME
1	Communications with EK and Ca regarding the claims process and claims forms	.8
2		
3		
4		
5	Communication with CA regarding receipt of reporting and status of claims filed	.3
6		
7	Receive Vendler time for motion for fees, review same	1.0
8	Receive and read weekly report from CA, discuss with DJV	.7
9		
10		
11	Commence preparation of portion of Final Approval related to atty fees and representative enhancement	2.6
12	Discussion with EK regarding claim form receipts	.8
13		
14		
15	Receive and read weekly CA report, discuss with DJV and EK	.7
16		
17		
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19		
20		
21		
22	Receive and read weekly CA report, discuss with DJV and EK, discuss follow up procedures implemented and in place with CA	1.0
23		
24		
25		
26		
27		
28		
29	Receive and read weekly CA report, discuss with DJV and EK. Request additional information from CA	.5
30		